IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.672 OF 2001

Narendra N. Thacker ...Appellant

vs.

The Municipal Corporation of
Greater Mumbai ...Respondent

Mr.Bhavin Bhatia i/b Mr.Bipin Joshi for the Appellant
Ms Geeta Jogalekar for the Respondent-B.M.C.

CORAM: A.S.OKA,J.
DATE : MARCH 14,2007.

P.C.:

1. Heard learned Advocates for the parties. The Appellant is the original Plaintiff. The Appellant has taken exception to the order dated 10th July 2001 passed by the trial Court by which a Notice of Motion for injunction taken out by the Appellant has been rejected. In the suit filed by the Appellant there is challenge to action of demolition under section 351 of the Mumbai Municipal Corporation Act,1888 (hereinafter referred to as the said Act of 1888). On 16th August 2001, while admitting this Appeal, this Court directed the parties to maintain status quo. Now, it is brought to my notice that the suit is ripe for hearing and in fact the Appellant has filed an Affidavit of examination in chief. The order of status quo is operating almost for last six years. Since the suit is now fixed for hearing, the said order deserves to be continued till the final disposal of the suit.

2. Hence, Appeal is disposed of by passing the following order :

i) Till the final disposal of the suit, parties will maintain status quo as of today in respect of the suit structure.

ii) Hearing of the suit is expedited. The Trial Court will dispose of the suit as expeditiously as possible and preferably on or before 31st August 2007.

iii) All contentions of the parties on merits are expressly kept open

JUDGE